

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

D.B., a minor, by his next friend, and mother, ELIZABETH B.,)
Plaintiff,)
v.)
SUTTON SCHOOL DISTRICT, SUTTON SCHOOL COMMITTEE, and the MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION,)
Defendants.)

**Civil Action No.
10-10897-FDS**

ORDER ON PLAINTIFFS' MOTION FOR RECONSIDERATION

SAYLOR, J.

On August 21, 2012, plaintiffs moved for the Court to reconsider its Memorandum and Order issued August 14 to the extent that it found at Footnote 28 that plaintiffs were only seeking reimbursement and not costs and attorney's fees. The Court treats plaintiffs' motion as a motion for clarification, and that motion is GRANTED.

After reviewing the record and the amended complaint, the Court finds that the plaintiffs are indeed seeking attorney's fees and costs. Footnote 28 of the Court's order should not be interpreted as deciding the issue of whether plaintiffs are entitled to attorney's fees. What remains potentially available to plaintiffs are attorney's fees and costs of litigation only; plaintiffs are entitled to education costs (i.e., reimbursement) only to the extent expressed in the August 14 order. The Court will take up the issue of attorney's fees in due course.

So Ordered.

Dated: October 22, 2012

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge